

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DAVID A. PATTERSON,

Plaintiff,

v.

Case No. 2:05-cv-177
HON. GORDON J. QUIST

R. KLEEMAN, et al.,

Defendants.

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**OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action recommending the denial of plaintiff's motion for a temporary restraining order. The Report and Recommendation was duly served on the parties. The Court has received objections from the plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made.

Plaintiff has alleged that he is being killed slowly by defendants because he is unable to go to a medical call-out for fear that he will be given an assault misconduct ticket. Plaintiff alleges that he suffers with diabetes, high blood pressure and heart disease. Plaintiff asserts that his belief that defendants will issue him a false misconduct ticket if he asks to go to health services has prevented him from obtaining medical care. Plaintiff has failed to show an entitlement to injunctive relief.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the court. Plaintiff's motion for a temporary restraining order (docket #20) is DENIED. Plaintiff has also filed a similar motion for preliminary injunction or temporary restraining order (docket #35). That motion is also DENIED.

Dated: May 31, 2006

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE